THE HON'BLE SRI. JUSTICE GODA RAGHURAM

W.P.No. 4346 of 2006

07-03-2006

Between:-

D. Mallaiah

Petitioner

And

The Assistant Commissioner of Endowments, Mahabubnagar, Mahabubnagar district.

Respondent

THE HON'BLE MR. JUSTICE GODA RAGHURAM

W.P.No.4346 of 2006

Oral order:

The petitioner claims to be a member of the founder's family in respect of Sri Gattu

Maisamma Devastanam, Lathipur village, Uppunuthala mandal, Mahabubnagar district. The writ petition is filed aggrieved that the respondent has issued a notice dated 22-02-2006 calling for applications from interested persons for the purpose of constituting Board of Trustees of the temple on the ground that the term of the current Board of Trustees has come to an end. The petitioner has made an application on 07-02-2006 for being recognized as a member of the founder's family and states that on such recognition, he will be entitled to be considered for appointment as the Chairman of the Board of Trustees. Without considering his application dated 07-02-2006, the respondent is proceeding to appoint a Trust Board for the temple appears to be the substantive complaint.

As the petitioner's application is very recent viz., dated 07-02-2006, it is not appropriate to characterize the respondent's action in inviting applications for constituting a Board of Trustees as arbitrary. The competent authority will have to consider the petitioner's application for being recognized as a member of the founder's family on factual and legal parameters and then only an order can be passed. Till then, the management of the religious institution, which is admittedly subject to regulation under the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act No. 30 of 1987) (for short 'the Act'), cannot suffer managerial vacuum. Since Sri Gattu Maisamma Devastanam is governed by the provisions of the Act and is not exempted from its provisions, the temple requires to be administered under the provisions of the Act. The petitioner is not entitled to administer the temple, as he has neither been recognized as a member of founder's family nor appointed as trustee, even otherwise.

For the aforesaid reasons, there are no merits in the writ petition and the notice dated 22-02-2006 issued by the respondent suffers from no infirmity, warranting interference under Article 226 of the Constitution of India.

The petitioner's application dated 07-02-200 seeking recognition as member of the founder's family shall be disposed of by the competent authority, expeditiously and in any event within a period of two months from the date of receipt of a copy of this order. The petitioner has made the application to the respondent. If the respondent is not the competent authority, the respondent shall forthwith forward the application of the petitioner dated 07-02-2006 to the appropriate competent authority along with a copy of the order of this court so as to enable the competent authority to dispose of

the application within time.

The writ petition is disposed of as above. No costs.

_____

GODA RAGHURAM, J

Dated:07-03-2006

Pvks/*